

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT of INDIANA
Indianapolis Division

FILED

11/02/2023

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, Clerk

JOEY KIMBROUGH,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY AKA
AMERICAN EXPRESS NATIONAL
BANK;

and

TRANS UNION LLC (*settled and
dismissed*)

Defendants.

Case No. 1:22-cv-1993-TWP-MJD

Honorable Tanya Walton Pratt
Magistrate Judge Mark J. Dinsmore

**PLAINTIFF'S REPLY IN OPPOSITION TO DEFENDANT'S
RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE
(SECOND INSTANCE)**

COMES NOW Plaintiff Joey Kimbrough ("Kimbrough"), Pro Se, and submits this Reply in response to Defendant American Express National Bank's ("American Express") Opposition to the Motion to Strike (Second Instance) pursuant to Local Rule 7-1(c)(3)(B) and states as follows:

1. American Express acknowledges that it made yet another mistake in serving docket entry 68, which was its Response filed on October 30, 2023. This

admission of repeated mistakes in service by American Express's counsel demonstrates a concerning pattern of disregard for proper service procedures and the rules of this Court.

2. American Express claims to have corrected the mistake by serving docket entry 68 by email to Kimbrough on November 2, 2023. However, it is essential to emphasize that such corrective actions should not be necessary if American Express's counsel had adhered to the rules and requirements for service in the first place.
3. Kimbrough did indeed file his Reply in Opposition to Defendant's Response in Opposition to Plaintiff's Motion to Strike [ECF No. 69]. However, the fact that Kimbrough filed his reply does not excuse or mitigate the repeated failures by American Express's counsel to provide timely and proper service as required by the Federal Rules of Civil Procedure.
4. It is crucial to recognize that this is not an isolated incident but a troubling and persistent pattern of missteps by American Express's counsel regarding service, as evidenced by the previous challenges and the current instance.

In conclusion, Kimbrough reiterates that the repeated mistakes in service by American Express's counsel undermine the integrity of the legal process and create unnecessary complications. The Motion to Strike was filed to address these persistent issues and ensure that proper service and compliance with the rules are

maintained. Given the history of these service errors, Kimbrough respectfully requests that the Court grants his Motion to Strike to hold American Express and its counsel accountable for their failure to adhere to the rules and ensure a fair and transparent legal process.

Respectfully Submitted,

/s/ Joey Kimbrough
Joey Kimbrough, Plaintiff, Pro Se
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Certificate of Service

I hereby certify that on November 2nd, 2023, I electronically filed the foregoing with the Clerk of the Court by email with attachments as is required by the Court. Also, service was made on counsel by email:

Distribution:

All ECF-registered counsel of record via email

Respectfully Submitted,
/s/ Joey Kimbrough